



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl, AICP
Director of Planning

March 23, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Fantasea Yachts & Yacht Club
4215 Admiralty Way
Marina del Rey, CA 90292

RE: CONDITIONAL USE PERMIT CASE NO. 200400077
(PROJECT NO. R2004-00956)

A request to authorize continued use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption at 4215 Admiralty Road, Marina del Rey.

Dear Applicant:


PLEASE NOTE: This document contains the Regional Planning Commission's findings relating to **APPROVAL** of the above referenced case.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be post marked or delivered in person within fifteen days after this notice is received by the applicant.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

Department of Regional Planning
James E. Hartl, AICP
Director of Planning


Russell J. Fricano, Ph.D., AICP
Section Head
Zoning Permits Section

RJF:KJ

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion).

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement; Department of Beaches and Harbors, Carolyn Ingram Seitz, Hans Etter.

**PROJECT NO. R2004-00956-(4)
CONDITIONAL USE PERMIT NO. 200400077
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

REGIONAL PLANNING COMMISSION HEARING DATE: March 9, 2005

SYNOPSIS:

The applicant is requesting a Conditional Use Permit to authorize continued use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption at 4215 Admiralty Road, Marina del Rey.

PROCEEDINGS BEFORE THE COMMISSION:

March 9, 2005 Public Hearing

A duly noticed public hearing was held on March 9, 2005 before the Regional Planning Commission. Commissioners Valadez, Bellamy, Rew and Modugno were present. Three people testified: the applicant's representative, Ms. Carolyn Ingram Seitz, the applicant, Mr. Daniel Ginzburg, and a member of the public, Mr. Hans Etter. Ms. Seitz and Mr. Ginzburg presented testimony in favor of the request and Mr. Etter presented testimony in opposition to the request.

The opponent to the project presented testimony regarding issues with the applicant's waterside banquet operations and expressed concern regarding noise and safety issues with respect to intoxicated patrons of the facility.

There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to approve the permit, and directed staff to prepare the final findings and conditions for approval, including changes to the conditions as discussed and as agreed to by the applicant.

Findings

1. The applicant is requesting a Conditional Use Permit to authorize continued use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption. The site is located at 4215 Admiralty Way (Parcel 125), Marina del Rey, in the Playa del Rey Zoned District.
2. Zoning on the site is SP (Specific Plan). The land use designation of the property in the Marina del Rey Specific Plan is Residential V/Waterfront Overlay. Banquet facilities are not specifically defined use in the Los Angeles County Code ("County Code"); however, the nature of the use is similar to that of a restaurant. Pursuant to Section 22.46.1720 of the County Code, a restaurant is permitted in the Waterfront Overlay category, provided a conditional use permit is obtained.

units per acre and with a height limit of 225 feet. The Waterfront Overlay Zone allows conversion of development allocations within each development zone to visitor-serving or marine commercial use. The Marina del Rey Specific Plan, which is the Local Implementation Plan portion of the Local Coastal Program, indicates that uses permitted in the Visitor-Serving/Convenience Commercial category may be permitted in the Waterfront Overlay Zone subject to a Conditional Use Permit.

As the proposed project does not involve any change to the existing use or structure, there are no Land Use Plan policies that apply to the project.

9. The site plan depicts the existing two-story 6,900 square foot banquet hall and parking areas as previously approved in CUP 94-161. The building is depicted toward the southerly end of the parcel with parking between the street and the building and within the parking structure for the adjacent Marina City Club condominiums. Floor plans of the facility and elevation drawings depicting the maximum height of the building at 24 feet have also been submitted.
10. The existing use complies with all applicable Marina del Rey Specific Plan community-wide development standards as provided in Section 22.46.1060 of the County Code, as follows:
 - a. The existing six-foot wide landscape planters at the northern property line do not meet the eight-foot minimum width requirement; however, as this requirement was not in effect when the use was established on the property, the applicant would not be required to comply.
 - b. The existing building footprint covers 6,700 square feet of the 18,500 square foot site or 36%, in compliance with the 90% lot coverage limitation. A total of 1,962 square feet of landscaping is provided, in compliance with the 10% landscaping requirement.
 - c. Pursuant to Section 22.52.1110 of the County Code, the parking requirement for restaurants is one space per every 3 occupants, based on the occupancy load determination from the Department of Public Works.

An occupancy load determination dated 2/22/96 was submitted with this application indicating an occupancy load of 369 persons; therefore, 123 parking spaces are required. A total of 141 parking spaces are depicted on the site plan, 25 of which are located immediately adjacent to the facility with the remaining 116 spaces being located within the adjacent parking structure for the Marina City Club on the same parcel.

- B. The requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact presented above, Conditional Use Permit Case No. 200400077 is **APPROVED** subject to the attached conditions.

VOTE **3-0**

Concurring: **Valadez, Bellamy, Rew**

Dissenting: **0**

Abstaining: **0**

Absent: **Helsley, Modugno**

Action Date: **3/23/05**

CONDITIONAL USE PERMIT NO. 200400777 (PROJECT NO. R2004-00956-(4))

CONDITIONS

Page 1 of 5

1. This grant authorizes the use of the subject property for continued use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
 2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
 4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
 5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing and with payment of the applicable fee, at least six months before the expiration date.

that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.

12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
18. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
19. A minimum of 123 parking spaces shall be provided on the subject property. Any parking spaces in excess of the required number of spaces may be developed in tandem, provided said tandem spaces are marked and managed by a valet service.
20. The use of the subject property for the sale of alcoholic beverages for on-site consumption is subject to the following additional conditions:



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2004-00956
Conditional Use Permit

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM	
PUBLIC HEARING DATE March 9, 2005	

APPLICANT Fantasea Yachts & Yacht Club	OWNER County of Los Angeles	REPRESENTATIVE Carolyn Ingram Seitz
REQUEST To authorize continued use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption.		
LOCATION/ADDRESS 4215 Admiralty Way, Marina del Rey		ZONED DISTRICT Playa del Rey
ACCESS Via Admiralty Way to the north		COMMUNITY Marina del Rey
		EXISTING ZONING SP (Specific Plan)
SIZE 27,700 Square Feet	EXISTING LAND USE Banquet hall	SHAPE Irregular
		TOPOGRAPHY Flat

SURROUNDING LAND USES & SPECIFIC PLAN LAND USE DESIGNATIONS

North: Public park, Single family residences/Open Space Specific Plan designation, City of Los Angeles residential zoning beyond

East: Multi family residences, Hotel, Fire Station/Residential V, Hotel & Public Facilities Specific Plan designations

South: Multi family residences, Boat slips/Residential V & Water Specific Plan designations

West: Public park, Parking lot, Hotel, Restaurant/Parking, Hotel, Visitor-Serving/Convenience Commercial Specific Plan designations

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide			
Area/Community Marina del Rey Local Coastal Program	Residential V (Waterfront Overlay)	75 units per acre	See Staff Report

ENVIRONMENTAL STATUS

Categorically Exempt, Class 1

DESCRIPTION OF SITE PLAN

The site plan depicts the existing two-story 6,900 square foot banquet hall and parking areas as previously approved in CUP 94-161. The building is depicted toward the southerly end of the parcel with parking between the street and the building and within the parking structure for the adjacent Marina City Club condominiums. Floor plans of the facility and elevation drawings depicting the maximum height of the building at 24 feet have also been submitted.

KEY ISSUES

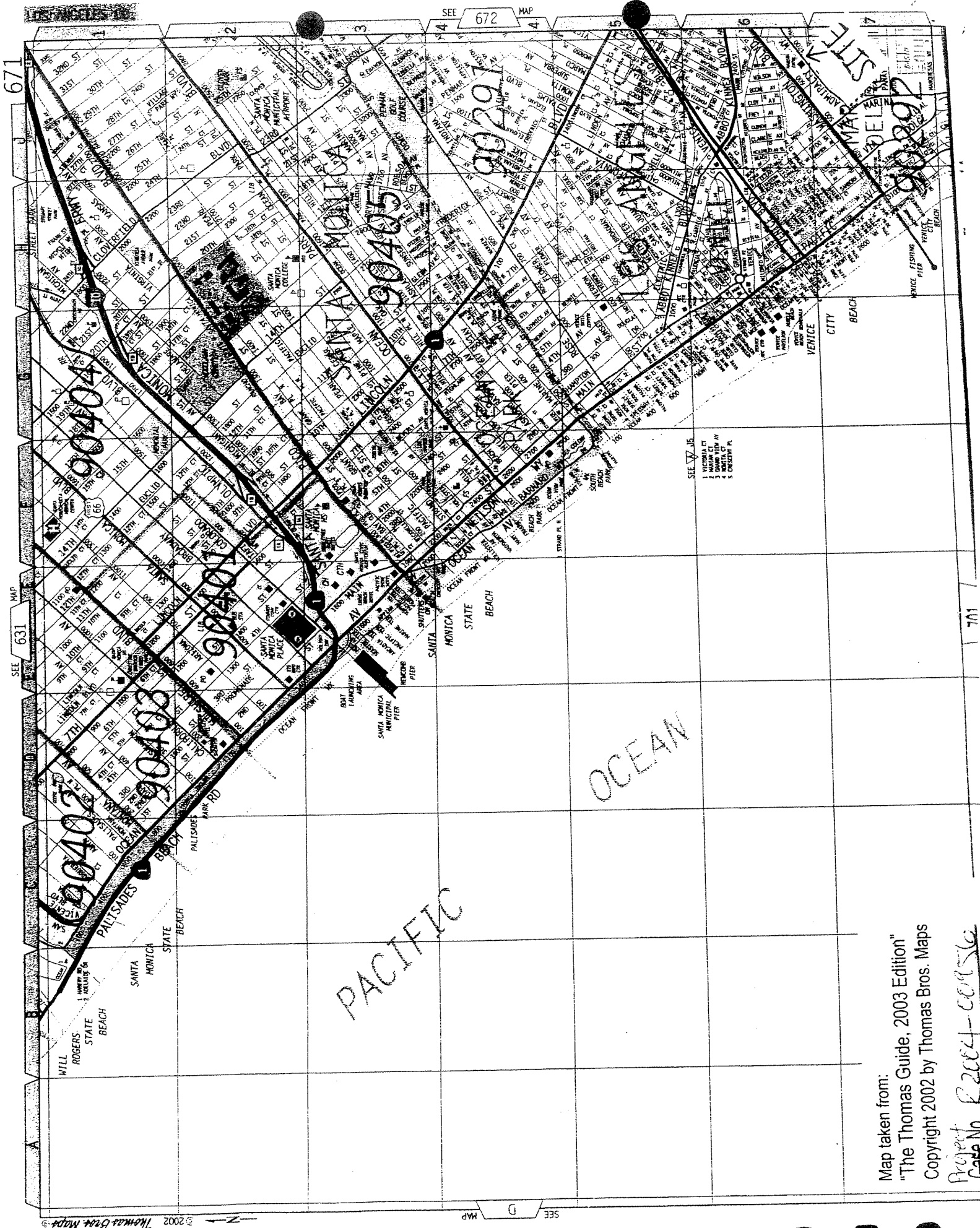
- ③ Satisfaction of Section 22.56.040 of the Los Angeles County Code Title 22, Conditional Use Permit Burden of Proof requirements.
- ③ Satisfaction of Section 22.56.195.B of the Los Angeles County Code Title 22, Alcoholic Beverage Sales Burden of Proof requirements.
- ③ Compatibility with the Marina del Rey Local Coastal Program
- ③ Possible nonconforming status

(If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS*	PETITIONS	LETTERS
(O) (F)	(O) (F)	(O) (F)

*(O) = Opponents (F) = In Favor



Map taken from:
"The Thomas Guide, 2003 Edition"
Copyright 2002 by Thomas Bros. Maps
Project
Case No. R2004-C0156

PROJECT NUMBER

R2004-00956-(4)

CASE NUMBER

Conditional Use Permit Case No. 200400077

OVERVIEW OF PROPOSED PROJECT

The applicant, Fantasea Yachts and Yacht Club, is requesting a Conditional Use Permit to authorize continued use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption. The use was previously authorized by Conditional Use Permit No. 94-161-(4), which was approved in 1995 and has been operated since that time without violation.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 4215 Admiralty Way (Parcel 125), Marina del Rey, and in the Playa del Rey Zoned District.

Physical Features

The subject property is currently developed with the subject restaurant and is located adjacent to the Basin E waterfront. Parcel 125 is also developed with condominiums and a hotel.

SERVICES AVAILABLE

The property takes access from Admiralty Way to the north and all required services are in place to serve the existing use.

ENTITLEMENT REQUESTED

The applicant is requesting a Conditional Use Permit to authorize the sale of a full line of alcoholic beverages for on-site consumption in the Residential V/Waterfront Overlay land use category of the Marina del Rey Local Coastal Program.

EXISTING ZONING

Subject Property

The subject property is zoned SP (Specific Plan). The land use designation of the property in the Marina del Rey Specific Plan is Residential V/Waterfront Overlay.

Surrounding Properties

The Specific Plan land use designations or City of Los Angeles zoning of surrounding properties are as follows:

North: Open Space Specific Plan designation, City of Los Angeles residential zoning beyond

South: Residential V & Water Specific Plan designations

East: Residential V, Hotel & Public Facilities Specific Plan designations

West: Parking, Hotel, Visitor-Serving/Convenience Commercial Specific Plan designations

EXISTING LAND USES

Subject Property

The subject property is currently used as a banquet facility, condominiums and a hotel.

Surrounding Properties

Surrounding properties contain the following uses:

North: Public park, Single family residences

South: Multi family residences, Boat slips

East: Multi family residences, Hotel, Fire Station

West: Public park, Parking lot, Hotel, Restaurant

ALCOHOL SALES & SENSITIVE USES IN VICINITY

As depicted on the land use maps attached, there are 10 establishments licensed to sell alcoholic beverages within 500 feet of the overall Parcel 125; however, only five of these establishments are within 500 feet of the subject facility itself. Nine of the 10 establishments are restaurants, either stand-alone or within hotels, yacht clubs or condominium complexes, with licenses to sell a full line of alcoholic beverages for on-site consumption. The remaining establishment, Edie's Diner, is licensed to sell beer and wine for on-site consumption. The requested CUP revision will not require a new ABC license and will not increase the number of establishments selling alcohol in the vicinity of the site.

The only sensitive use within 600 feet of the site is Admiralty Park, which is located approximately 600 feet to the northeast of the banquet facility.

PREVIOUS CASES/ZONING HISTORY

The following zoning case has been filed on the subject property:

CUP94-161-(4): Request to establish, maintain and operate a restaurant within an existing building with the sale of a full line of alcoholic beverages for on-site consumption (approved in April 1995, expires in April 2005).

MARINA DEL REY LOCAL COASTAL PROGRAM (LAND USE PLAN)

The subject property is designated Residential V/Waterfront Overlay in the Marina del Rey Land Use Plan. The Residential V designation allows high density multi-family residential development to a maximum density of 75 units per acre and with a height limit of 225 feet. The Waterfront Overlay Zone allows conversion of development allocations within each development zone to visitor-serving or marine commercial use. The Marina del Rey Specific Plan, which is the Local Implementation Plan portion of the Local Coastal Program, indicates that uses permitted in the Visitor-Serving/Convenience Commercial category may be permitted in the Waterfront Overlay Zone subject to a Conditional Use Permit.

As the proposed project does not involve any change to the existing use or structure, there are no Land Use Plan policies that apply to the project.

SITE PLAN

The site plan depicts the existing two-story 6,900 square foot banquet hall and parking areas as previously approved in CUP 94-161. The building is depicted toward the southerly end of the parcel with parking between the street and the building and within the parking structure for the adjacent Marina City Club condominiums. Floor plans of the facility and elevation drawings depicting the maximum height of the building at 24 feet have also been submitted.

Compliance With Applicable Development Standards (Marina del Rey Local Implementation Plan/Specific Plan)

Communitywide Standards

Pursuant to Section 22.46.1060 the following standards apply to the entire Marina del Rey area (only those standards applicable to the proposed permit are listed):

- A. Landscaping shall include trees and shrubbery, with adequate ground cover to protect the soil. Landscaped borders used to shield obtrusive uses shall have a minimum width of eight feet and shall consist of vegetation of sufficient density to hide the use. Landscaping along site perimeters shall have a minimum width of eight feet and shall allow visual access into the lot, except where the landscaping is being used to screen an obtrusive use. These standards shall be implemented in a manner consistent with all other provisions of the certified LCP to encourage unique site design.

Comment: The existing six-foot wide landscape planters at the northern property line do not meet the minimum width requirement; however, as this requirement was not in effect when the use was established on the property, the applicant would not be required to comply.

- B. Lot coverage by buildings, shall be limited as otherwise restricted in the Specific Plan, and shall not exceed 90 percent of the net lot area; a minimum of 10 percent of the net lot area shall be landscaped. Layout, components and quantity of landscaping for development in the existing Marina shall be subject to approval by the Design Control Board.

Comment: The existing building footprint covers 6,700 square feet of the 18,500 square foot site or 36%, in compliance with the lot coverage limitation. A total of 1,962 square feet of landscaping is provided, in compliance with the 10% landscaping requirement.

- C. Parking standards in Marina del Rey shall be as set forth in Part 11, Chapter 22.52 and Appendix 3 of this Title 22.

Comment: Pursuant to Section 22.52.1110 of the County Code, the parking requirement for restaurants is one space per every 3 occupants, based on the occupancy load determination from the Department of Public Works.

An occupancy load determination dated 2/22/96 was submitted with this application indicating an occupancy load of 369 persons; therefore, 123 parking spaces are required. A total of 141 parking spaces are depicted on the site plan, 25 of which are located immediately adjacent to the facility with the remaining 116 spaces being located within the adjacent parking structure for the Marina City Club on the same parcel.

Six of the existing parking spaces are depicted as being developed in tandem. Such an arrangement is generally not permitted without a Parking Permit; however, because these spaces are in excess of the requirement, staff does not believe that a Parking Permit would be required for these spaces.

Residential V Standards

Pursuant to Section 22.46.1330 of the County Code, the following standards shall apply for all uses in the Residential V category (only those standards applicable to the proposed permit are listed):

1. Building height is limited to a maximum of 225 feet;

Comment: The elevation drawings depict the building at a maximum of 24 feet when viewed from the south, in compliance with the height limit of the Residential V land use category.

2. Front and rear yard setbacks shall be a minimum of 10 feet, in addition to the required highway and promenade setback;

Comment: The structure is set back 100 feet or more from the front property line. The rear property line is not depicted; however, based on the location of the rear property line on the Assessor's map, a rear setback of approximately 20 feet is being maintained on the site.

3. Side yard setbacks shall be a minimum of five feet;

Comment: The existing structure is set back approximately 33 feet from the westerly property line and over 1,000 feet from the easterly boundary of Parcel 125.

There are no additional development standards established for the Waterfront Overlay Zone.

BURDEN OF PROOF

Conditional Use Permit

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
 - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - 2. By other public or private service facilities as are required.

Alcohol Sales

Pursuant to Section 22.56.195 of the County Code, in addition to the findings required for every Conditional Use Permit, the applicant is also required to substantiate the following burden of proof for requests for alcohol sales:

- A. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and

- B. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and
- D. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- E. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

The applicant's Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

The project has been determined categorically exempt from CEQA reporting requirements.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County of Los Angeles Fire Department

The Fire Department was not consulted as the request is for continuation of an existing use.

County of Los Angeles Department of Public Works

The Department of Public Works was not consulted as the request is for continuation of an existing use.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control (ABC)

Staff contacted ABC to determine if there had been any violations of the applicant's ABC license and ABC staff indicated that there had been no violations recorded at this location.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

Pursuant to County policy, the legal notification process for public hearings involves mailing of notices to all property owners within 500 feet of the subject property, tenants within 100 feet of the subject property, and others requesting notification for projects in the area; placement of a legal advertisement in the local newspaper; posting of a sign on the subject property; and placement of material in the local county public library, all within 30 days of the date of the hearing. For this request, a total of 146 notices were mailed on February 1, 2005.

including the Department of Beaches and Harbors, the California Coastal Commission, the Coalition to Save the Marina, the Marina Peninsula Neighborhood Association, Playa Vista, and several individuals requesting notification of all projects in the Marina. A legal advertisement was published on February 3, 2005 in the Daily Breeze and La Opinion and case materials were available for public review at the Lloyd Taber Marina del Rey County Library beginning on February 7, 2005. The Notice of Public Hearing was posted on the site on February 4, 2005.

PUBLIC COMMENTS

Staff has received no public comments at this time.

STAFF EVALUATION

The project applicant proposes to continue use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption.

The subject property is designated Residential V with a Waterfront Overlay in the Marina del Rey Local Coastal Program and is consistent with this designation and all applicable development standards.

There have been no violations of the previous Conditional Use Permit or the ABC license since their issuance.

There are five establishments licensed to sell alcoholic beverages within 500 feet of the facility and a total of 10 establishments licensed to sell alcoholic beverages within 500 feet of the outer boundary of Parcel 125. One sensitive use, Admiralty Park, exists within 600 feet of the facility. The CUP revision requested will not increase the number of establishments selling alcoholic beverages in the area.

Due to the lack of violations, staff recommends a 20 year grant with biennial inspections.

FEES/DEPOSITS

If approved as recommended by staff, the following fees/deposits will apply:

- Inspection deposit of \$1,500.00 to cover the costs of the 10 recommended biennial zoning enforcement inspections.

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit 200400077 subject to the attached conditions.

SUGGESTED MOTION

"I move that the Regional Planning Commission close the public hearing and indicate its intent to approve Conditional Use Permit Number 200400077 and instruct staff to prepare findings and conditions for approval."

Prepared by Kevin Johnson, Senior Regional Planning Assistant
Reviewed by Russell J. Fricano, Ph.D., AICP, Section Head, Zoning Permits I Section

Attachments:

Copy of Thomas Brothers Map
GIS Net Map
Draft Conditions
Applicant's Burden of Proof Responses
Site Photographs
Site Plan
Land Use Map

DRAFT CONDITIONS

CONDITIONAL USE PERMIT NO. 200400777 (PROJECT NO. R2004-00956-(4))

DRAFT CONDITIONS

Page 1 of 5

1. This grant authorizes the use of the subject property for continued use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
 2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
 3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
 4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
 5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
- The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
6. This grant will expire unless used within 2 years from the date of approval. A one-year time extension may be requested, in writing and with payment of the applicable fee, at least six months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. **This grant will terminate on __ (20 years after its effective date).** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **\$1,500.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **10 biennial inspections**. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150.00 per inspection, or the amount equal to the current recovery cost at the time of payment, if that amount is different.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or

that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.

12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
18. The subject property shall be developed and maintained in substantial compliance with the approved revised Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
19. A minimum of 123 parking spaces shall be provided on the subject property. Any parking spaces in excess of the required number of spaces may be developed in tandem, provided said tandem spaces are marked and managed by a valet service.
20. The use of the subject property for the sale of alcoholic beverages for on-site consumption is subject to the following additional conditions:

- a. The permittee shall not advertise the sale of alcoholic beverages on the exterior walls or windows of the subject facility or at any exterior location on the subject property. No self-illuminating advertising for alcoholic beverages shall be located on the building walls or windows.
- b. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's areas within the facility.
- c. There shall be no alcoholic beverages consumed in open areas adjacent to the facility under the control of the permittee.
- d. There shall be no loitering permitted on the subject property. Signage shall be posted on the premises prohibiting consumption of alcoholic beverages outside of the facility and prohibiting loitering. The signage shall be in English and the predominant second language in the neighborhood.
- e. The permittee shall provide adequate lighting above the entrance of the facility. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises.
- f. The permittee shall instruct all employees in the regulations prohibiting loitering and consumption of alcoholic beverages outside the subject facility. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
- g. The permittee shall continuously maintain the property in a neat, clean and healthful condition, free of litter and debris, to the satisfaction of the Director.
- h. The total occupancy of the facility shall not exceed 369 persons.
- i. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, zoning inspector, or ABC investigator. The facility manager and all employees of the facility shall be knowledgeable of the conditions herein.
- j. All servers of alcoholic beverages must be at least 18 years old.
- k. The sale of alcoholic beverages for consumption outside the subject facility is prohibited.
- l. The facility shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the

revised Exhibit "A". A written document explaining this program shall be provided to all persons renting the facility.

- m. The permittee shall comply with all applicable rules and regulations of the state Department of Alcoholic Beverage Control.
- n. The sale of alcoholic beverages shall be permitted only between the hours of 11:00 A.M and 11:30 P.M., Sunday through Thursday and between 11:00 A.M. and 12:30 A.M., Friday and Saturday.
- o. The permittee shall employ a full time security guard to monitor the parking area for noise and loitering.
- p. The use of any outdoor acoustical devices or electronic amplification shall be prohibited.
- q. The permittee shall not advertise or hold any alcoholic beverage "happy hour" drink specials, "2 for 1" specials, or similar promotions.
- r. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
- s. The licensed premises shall have no other coin operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines.

BURDEN OF PROOF

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Fantasea has operated a banquet facility at this location for 9 years with no history of complaint for the last 8 years. They have demonstrated the effectiveness of their effort to be good neighbors. Their operating history and success indicate that they have not adversely affected the public health, peace, comfort or welfare of the surrounding area. They cleaned up what was considered by neighbors to be a nuisance and have maintained their facilities in an attractive manner, enhancing property values in the area.

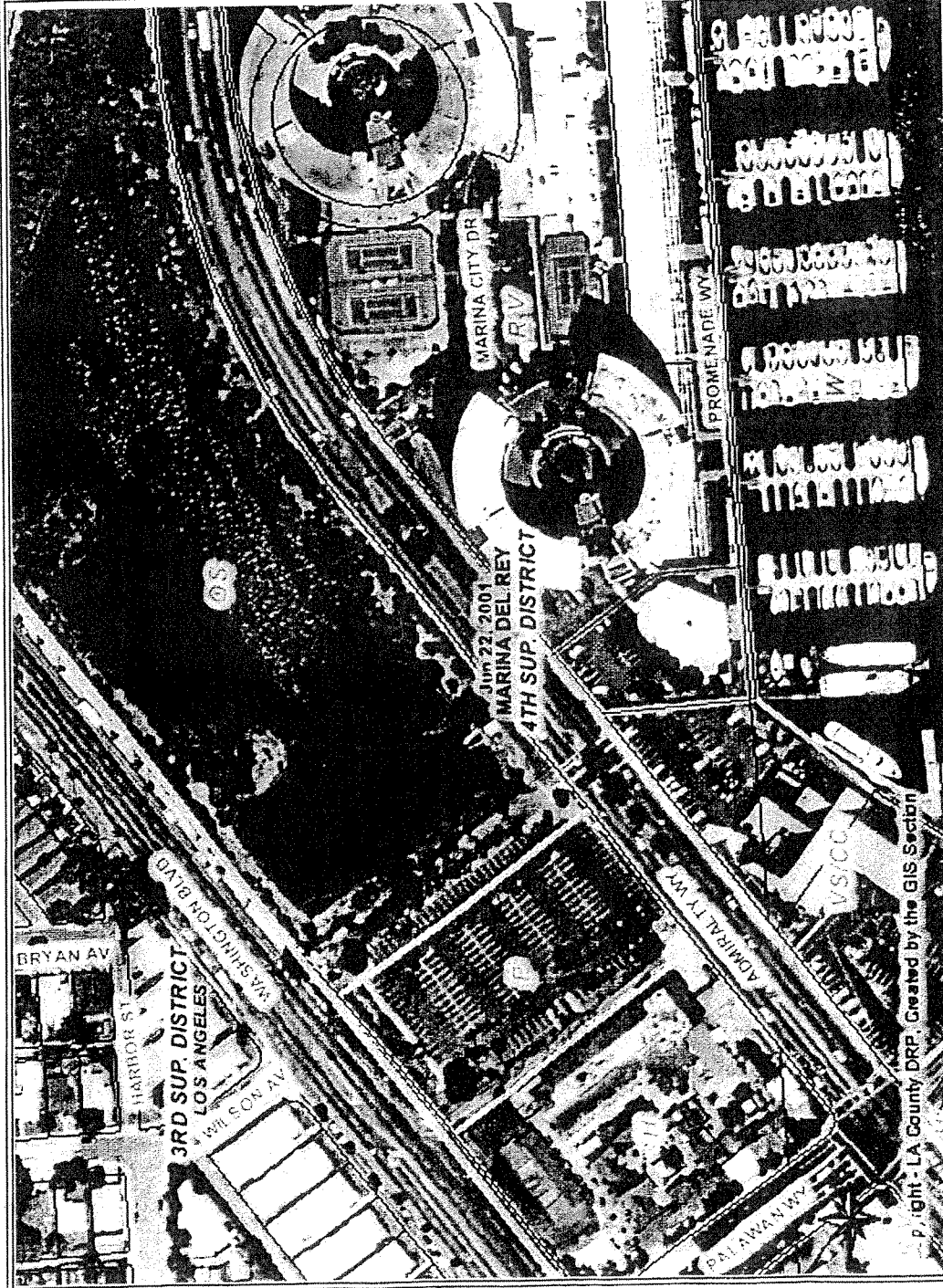
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

No changes to the existing facilities are proposed. All parking, walls, landscaping, public walkways are already in place and are adequate to continue to service the existing facilities. The site is landscaped and well maintained as a further demonstration of its ability to meet ordinance standards. Parking is available on the leasehold property and during banquet events, applicant uses valet parking to assure no difficulties for the surrounding community or for its guests.

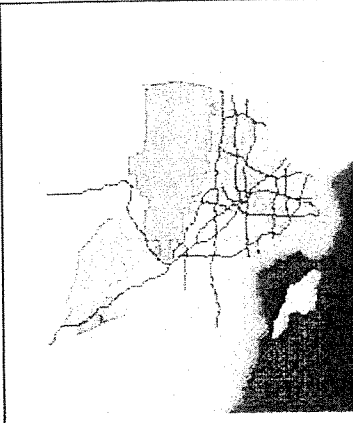
- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required
- All roads are in place and adequate to continue carrying traffic generated by the continued use of these existing facilities. All other services are in place and adequate.

SITE PHOTOGRAPHS

Conditional Use Permit Project No. R2004-00956-(4)



Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET. The map should be interpreted in accordance with the disclaimer statement of GIS-NET.



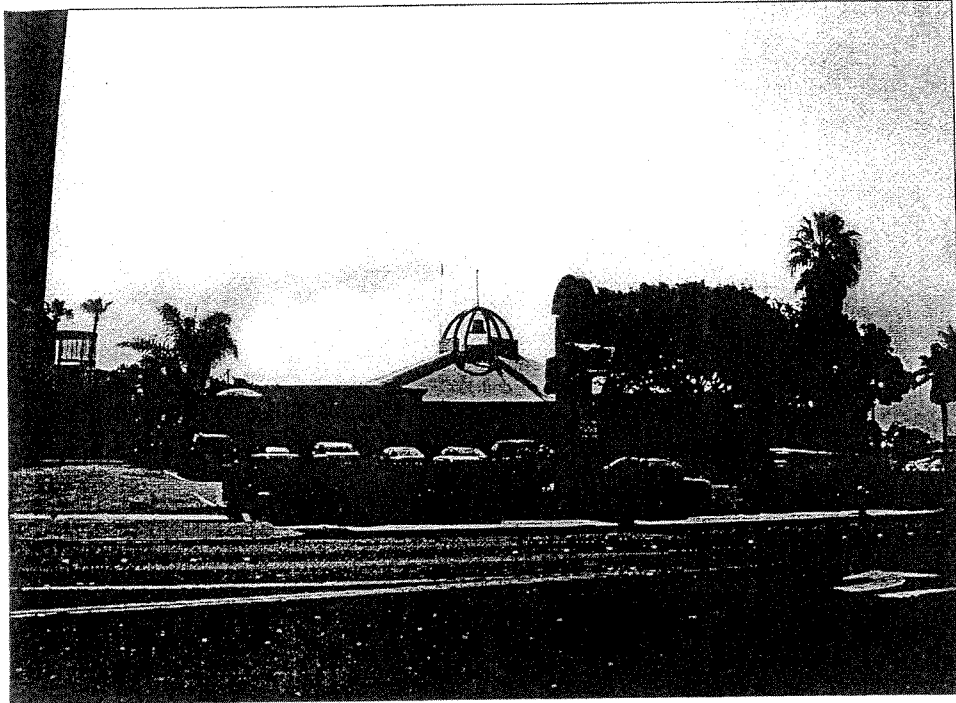
- Los Angeles County Boundary
- Census Tract (2000)
- Assessor Map Book (AMB) Boundary
- House Numbering Map (HNM) sheet grid
- USGS Quad Sheet grid
- The Thomas Guide page grid
- Community Standards District (CSD)
- CSD Area Specific Boundary
- Environmentally Sensitive Natural Resource Area (ESNA)
- Significant Ecological Area (SEA)
- Section Line
- National Forest
- Equestrian District (EQD)
- Transit Oriented District (TOD)
- Zoned District (ZD)
- Ramp, interchange or feeder
- City Boundary and Names
- Parcel Boundary
- Supervisory District Boundary
- Other county boundary
- Unincorporated Area (shaded)



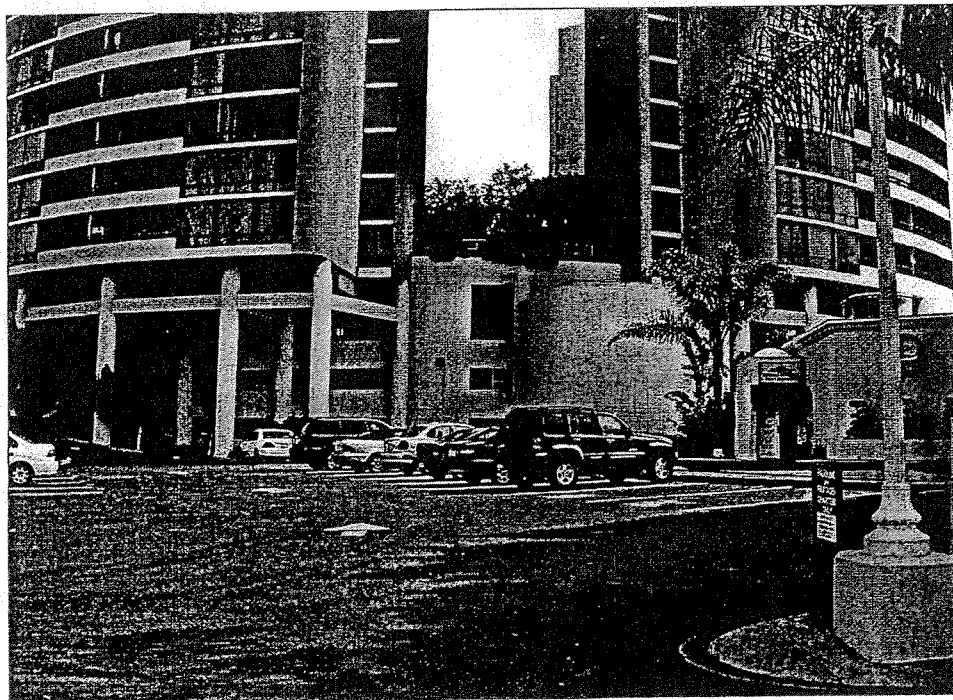
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GIS-NET, Los Angeles County Dept. of Regional Planning

Site Photographs
Conditional Use Permit Project No.
R2004-00956-(4)
March 1, 2005

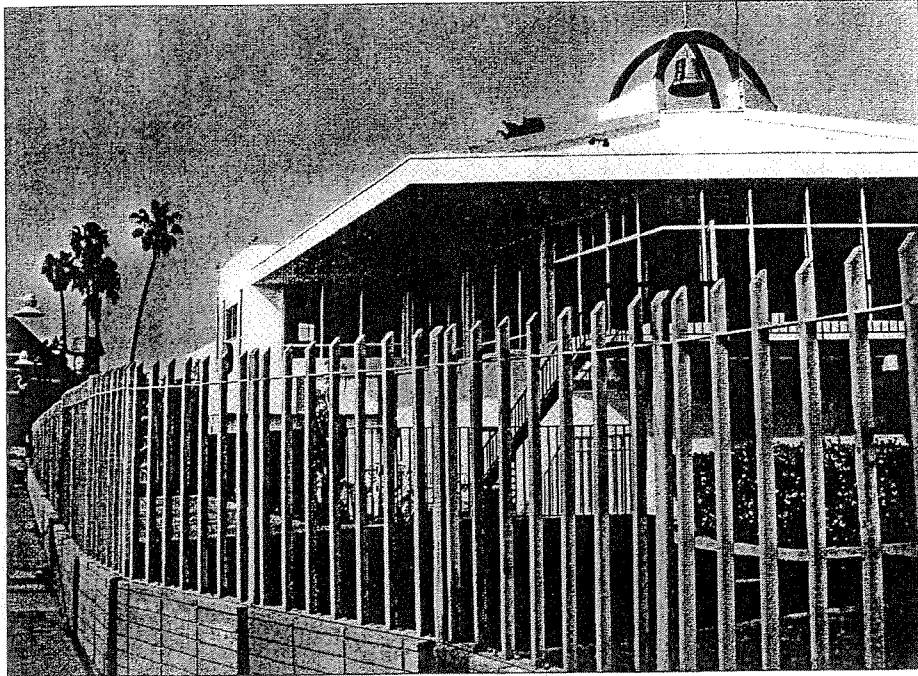


View of facility from Admiralty Way facing south

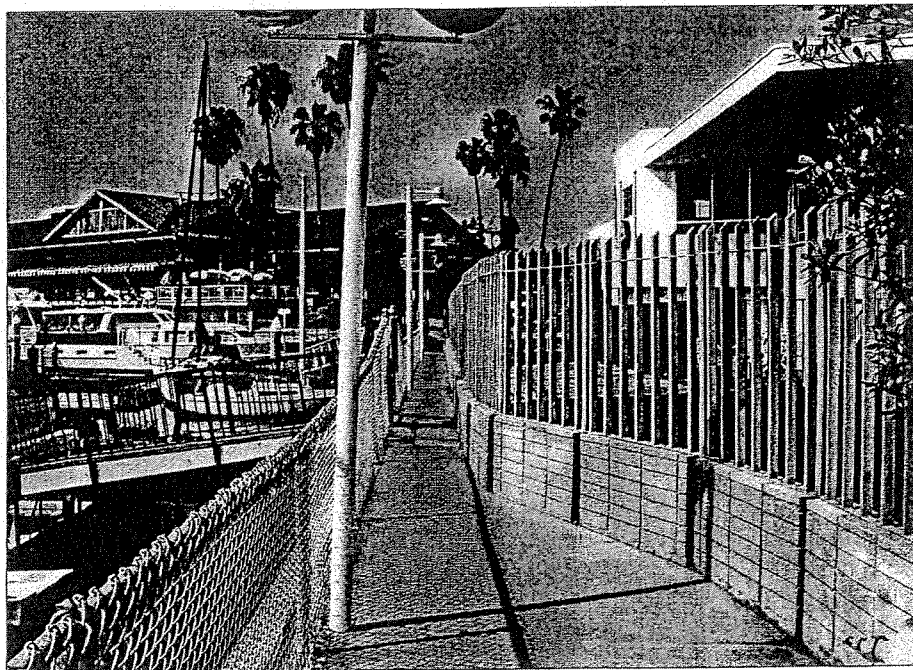


Southerly portion of parking area facing southeast

Site Photographs
Conditional Use Permit Project No.
R2004-00956-(4)
March 1, 2005



Southeast corner of building facing northwest



Existing promenade facing west



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2004-00956
Conditional Use Permit

CONSENT MEETING DATE 3/23/05	CONTINUE TO
AGENDA ITEM 7	
PUBLIC HEARING DATE March 9, 2005	

APPLICANT Fantasea Yachts & Yacht Club		OWNER County of Los Angeles		REPRESENTATIVE Carolyn Ingram Seitz	
REQUEST To authorize continued use of an existing banquet facility with the sale of a full line of alcoholic beverages for on-site consumption.					
LOCATION/ADDRESS 4215 Admiralty Way, Marina del Rey			ZONED DISTRICT Playa del Rey		
ACCESS Via Admiralty Way to the north			COMMUNITY Marina del Rey		
			EXISTING ZONING SP (Specific Plan)		
SIZE 27,700 Square Feet	EXISTING LAND USE Banquet hall		SHAPE Irregular	TOPOGRAPHY Flat	

SURROUNDING LAND USES & SPECIFIC PLAN LAND USE DESIGNATIONS North: Public park, Single family residences/Open Space Specific Plan designation, City of Los Angeles residential zoning beyond	East: Multi family residences, Hotel, Fire Station/Residential V, Hotel & Public Facilities Specific Plan designations
South: Multi family residences, Boat slips/Residential V & Water Specific Plan designations	West: Public park, Parking lot, Hotel, Restaurant/Parking, Hotel, Visitor-Serving/Convenience Commercial Specific Plan designations

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	_____	_____	_____
Area/Community Marina del Rey Local Coastal Program	Residential V (Waterfront Overlay)	75 units per acre	See Staff Report

ENVIRONMENTAL STATUS
Categorically Exempt, Class 1

DESCRIPTION OF SITE PLAN
The site plan depicts the existing two-story 6,900 square foot banquet hall and parking areas as previously approved in CUP 94-161. The building is depicted toward the southerly end of the parcel with parking between the street and the building and within the parking structure for the adjacent Marina City Club condominiums. Floor plans of the facility and elevation drawings depicting the maximum height of the building at 24 feet have also been submitted.

- KEY ISSUES**
- Satisfaction of Section 22.56.040 of the Los Angeles County Code Title 22, Conditional Use Permit Burden of Proof requirements.
 - Satisfaction of Section 22.56.195.B of the Los Angeles County Code Title 22, Alcoholic Beverage Sales Burden of Proof requirements.
 - Compatibility with the Marina del Rey Local Coastal Program
 - Possible nonconforming status
- (If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON Kevin Johnson		
RPC HEARING DATE(S) March 9, 2005	RPC ACTION DATE March 23, 2005	RPC RECOMMENDATION Approval
MEMBERS VOTING AYE Valadez, Bellamy, Rew	MEMBERS VOTING NO	MEMBERS ABSTAINING Helsley, Modugno (both absent on 2/23/05)
STAFF RECOMMENDATION (PRIOR TO HEARING) Approval		
SPEAKERS* (O) 1 (F) 2	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

*(O) = Opponents (F) = In Favor

revised Exhibit "A". A written document explaining this program shall be provided to all persons renting the facility.

- m. The permittee shall comply with all applicable rules and regulations of the state Department of Alcoholic Beverage Control.
- n. The sale of alcoholic beverages shall be permitted only between the hours of 11:00 A.M and 11:30 P.M., Sunday through Thursday and between 11:00 A.M. and 12:30 A.M., Friday and Saturday.
- o. The permittee shall employ a full time security guard to monitor the parking area for noise and loitering.
- p. The use of any outdoor acoustical devices or electronic amplification shall be prohibited.
- q. The permittee shall not advertise or hold any alcoholic beverage "happy hour" drink specials, "2 for 1" specials, or similar promotions.
- r. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
- s. The licensed premises shall have no other coin operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines.
- t. All employees of the restaurant shall participate in the Licensee Education on Alcohol and Drugs (LEAD) Program offered by the California Department of Alcoholic Beverage Control. This training shall be on-going and all new employees shall be required to attend. The licensee shall display a certificate or plaque in the lobby of the establishment indicating its participation in this program.